

United States District Court  
District of Massachusetts  
CIVIL ACTION NO. 05-30052-MAP

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CARNELL GARVIN

Plaintiff,

v.

D. A. SULLIVAN & SONS, INC. and  
CONSTRUCTION SAFETY SERVICES, INC.,  
Defendants.

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**MOTION FOR CONTINUANCE OF SCHEDULING CONFERENCE**

I, Andrew R. Duffy, an attorney in the law firm of Saltz, Mongeluzzi, Barrett & Bendesky, P.C., One Liberty Place, 52<sup>nd</sup> Street, Philadelphia, PA 19103, having been admitted *pro hac vice* in this matter, hereby move for a continuance of the scheduling conference in the above-captioned matter.

An initial scheduling conference is scheduled for June 8, 2005, at 10:00 a.m. before Kenneth P. Neiman, U.S.M.J. Robert J. Mongeluzzi, Esquire, the senior lawyer ultimately responsible for the case, and Andrew R. Duffy, Esquire, will be actually engaged in trial starting June 6, 2005, in the matter of Mullary v. Comcast, Philadelphia Court of Common Pleas, December Term, 2001, No.1120. After receiving the Notice of Scheduling Conference, plaintiff's counsel contacted Bethaney A. Healy to inform the Court of the scheduling conflict and to request a continuance. Plaintiff's counsel was instructed to file a Motion for Continuance and to suggest a date when all counsel are available for the initial scheduling conference. Plaintiff's counsel has conferred with defense counsel and all counsel have agreed to the date of June 23, 2005, should this date be acceptable to the Court.

**WHEREFORE**, it is respectfully requested that this Court grant the plaintiff's Motion for a Continuance of the Scheduling Conference and reschedule the initial Scheduling Conference for June 23, 2005 at a time convenience to the Court.

Respectfully submitted,  
The Plaintiff,  
By his Attorneys,

/s/ Andrew R. Duffy  
Robert Mongeluzzi, Esquire  
Andrew R. Duffy, Esquire  
SALTZ, MONGELUZZI, BARRETT & BENDESKY  
One Liberty Place – 52<sup>nd</sup> Floor  
650 Market Street  
Philadelphia, PA 19103

**CERTIFICATE OF SERVICE**

I, Andrew R. Duffy, an attorney in the law firm of Saltz, Mongeluzzi, Barrett & Bendesky, P.C., One Liberty Place, 52<sup>nd</sup> Street, Philadelphia, PA 19103, hereby certify that on the 1<sup>st</sup> day of June, 2005, I caused a copy of the foregoing Motion to Continuance to be served, by electronic filing and U.S. Mail, upon Scott Tucker, Esquire, Tucker, Heifetz & Satzman, Three School Street, Boston, MA 02108 and Steven O'Brien, Esquire, Long & Houlden, 100 Summer Street, Boston, MA 02110.

The Plaintiff,  
By his Attorneys,  
/s/ Andrew R. Duffy  
Robert Mongeluzzi, Esquire  
Andrew R. Duffy, Esquire  
SALTZ, MONGELUZZI, BARRETT & BENDESKY  
One Liberty Place – 52<sup>nd</sup> Floor  
650 Market Street  
Philadelphia, PA 19103

Dated: 6/1/05